

1 Floyd Raymond, Looker, *Sui Juris*  
 2 c/o HC 63, Box 12-AA  
 3 Nettie [zip code exempt]  
 4 WEST VIRGINIA  
 5

6 *In Propria Persona*  
 7

8 Under Protest, Necessity, and  
 9 by Special Visitation Only  
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16 UNITED STATES DISTRICT COURT  
 17  
 18 NORTHERN DISTRICT OF WEST VIRGINIA  
 19  
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21 UNITED STATES OF AMERICA, [sic] ) Criminal No. 1:96-CR-43-6  
 22 )  
 23 Plaintiff, [sic] ) **AFFIDAVIT OF PROBABLE CAUSE**  
 24 ) **AND NOTICE OF INTENT**  
 25 v. ) **TO FILE CRIMINAL COMPLAINTS:**  
 26 ) 28 U.S.C. 1746(1);  
 27 FLOYD RAYMOND LOOKER, a/k/a RAY, ) Rule 201(d), Federal Rules  
 28 JAMES R. ROGERS, a/k/a RICH, [sic] ) of Evidence  
 29 )  
 30 Defendants. [sic] )  
 31 )

32 COMES NOW Floyd Raymond, Looker, *Sui Juris*, Citizen of West  
 33 Virginia state and Defendant in the above entitled matter  
 34 (hereinafter "Defendant"), to record this, His verified AFFIDAVIT  
 35 OF PROBABLE CAUSE as evidence of criminal misconduct by  
 36 government officers, employees, and agents who have heretofore  
 37 come in contact with the above entitled case; and to provide  
 38 formal Notice of same to all interested party(s), and of His  
 39 intent to file formal criminal complaints against those who are  
 40 responsible for committing said misconduct. Defendant also  
 41 demands mandatory judicial notice of this AFFIDAVIT and NOTICE OF  
 42 INTENT, pursuant to Rule 201(d) of the Federal Rules of Evidence.  
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[Please see next page et seq.]

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VERIFICATION

I, Floyd Raymond, Looker, *Sui Juris*, hereby verify, under penalty of perjury, under the laws of the United States of America, without the "United States", that the following Statement is true and correct, to the best of My current information, knowledge, and belief, so help Me God, pursuant to 28 U.S.C. 1746(1), to wit:

AFFIDAVIT OF PROBABLE CAUSE

The wife of My first court-appointed counsel was a United States Attorney, and My opponent is the UNITED STATES OF AMERICA [sic]. I did not feel comfortable with that appointment, and I requested that another counsel be appointed. I expressed My interest in a particular attorney, but the Magistrate Judge saw fit to appoint Mr. Stephen D. Herndon, "Attorney at Law" [sic].

Mr. Herndon was appointed to represent Me on Monday, October 21, 1996. Mr. Herndon then waited to see Me until the day before My bail setting and preliminary hearing.

At the time we met in the Buckhannon, Upshur County Jail, we had to sit in the visitors' booth and talk through the glass divider. Hearing was difficult for Me, and we had to speak rather loudly. Mr. Herndon felt that his side of the enclosure was too hot, so he "cracked" the door a little, in order to let cooler air flow in. This further allowed everyone in the waiting room to hear everything that was being said between Me and Mr. Herndon.

One individual who overheard the conversation then went to the U.S. Marshals office to be a witness against Me. Although the court refused to use any testimony of what he overheard

1 between Mr. Herndon and Me, he embellished his story with a few  
2 "facts" of his own (read "lies"). This same individual later  
3 said that he had overheard our conversation, and that I had  
4 "confessed" to everything.

5 At court the next day, Mr. Herndon indicated that we would  
6 be able to talk with each other the following Thursday, October  
7 31, 1996. At that meeting on October 31, 1996, Mr. Herndon  
8 talked about his strategy for winning the case. His opinion was  
9 that his strategy was the only way it could be won.

10 I wasn't entirely happy with the strategy he proposed,  
11 because it was a passive submission to whatever might develop at  
12 the trial. I had proposed a more active and aggressive role with  
13 which he did not feel comfortable. We discussed several possible  
14 attorneys who might be interested in helping with My cases.

15 It was My understanding that Mr. Herndon was "open" to  
16 outside assistance -- if that were available. I had given him  
17 the name of an attorney in North Carolina state who is well  
18 experienced in entrapment cases, and who had already expressed an  
19 interest in My cases. Mr. Herndon indicated that he had tried to  
20 contact these individuals, but had been unsuccessful.

21 While Mr. Herndon was on a three-week vacation in Europe, I  
22 had received information from My Pastor, Butch Paugh, that Mr.  
23 Paul Andrew Mitchell, B.A., M.S., from Tucson, Arizona state, had  
24 developed a particularly good strategy which fit well with the  
25 strategy which I had somewhat outlined to Mr. Herndon.

26 I then wrote several letters to Mr. Herndon in which I  
27 expressed My uneasiness with the strategy he had suggested, and

1 in which I requested that he contact Mr. Mitchell to discuss the  
2 merits of the strategy, and how it could be applied to My cases.

3 Mr. Herndon chose to ignore My requests and, upon his return  
4 from Europe, he chose not to contact Me prior to the day of the  
5 arraignment, and he chose instead to contact Me in person  
6 approximately three and one-half hours before the arraignment.

7 I had previously requested from My Pastor, Butch Paugh,  
8 living in Nettie, West Virginia state, to please contact Mr. Paul  
9 Mitchell, and that I needed more information about Mr. Mitchell's  
10 plan(s). When I received a copy of that plan and strategy, I  
11 knew at once that I had found the strategy that would stand the  
12 best chance of winning.

13 What I really liked about the strategy which Mr. Mitchell  
14 presented was that it was primarily "pre-trial," while Mr.  
15 Herndon's strategy was "during trial." I felt that there was  
16 room enough to implement both plans, if need be. If Mr.  
17 Mitchell's plan worked, then there would be no trial. It if did  
18 not work, then Mr. Herndon still had plenty of time to prepare  
19 for trial.

20 Upon his return from Europe, Mr. Herndon chose not to  
21 contact Me about any of the letters which I had written. He also  
22 chose not to contact Mr. Paul Mitchell, as I had requested of  
23 him.

24 I had attempted to contact Mr. Herndon many times in the  
25 week immediately prior to the arraignment, but I was unable to do  
26 so, because Mr. Herndon had requested the Northern Regional Jail  
27 and Correctional Center ("NRJ") to put a restrictive block on the  
28 telephone, so that I could not contact him by telephone.

1 I called Mr. Paul Mitchell and requested that he prepare a  
2 Plea in Abatement and a Motion to Stay Proceedings for filing in  
3 the United States District Court prior to the arraignment, if at  
4 all possible.

5 Mr. Mitchell did so, and immediately shipped the pleadings  
6 via Express U.S. Mail, with a fax transmittal letter, to  
7 Magistrate Judge Seibert, to the Clerk of Court, and to other  
8 individuals as well, including but not limited to Mr. Stephen D.  
9 Herndon.

10 In a fax to Mr. Mitchell dated Sunday, December 1, 1996, Mr.  
11 Herndon acknowledged that he had received the Express U.S. Mail  
12 package with My pleadings on Saturday, November 30, 1996. In  
13 that fax letter to Mr. Mitchell, Mr. Herndon indicated his  
14 unwillingness to cooperate in the delivery and filing of these  
15 pleadings, because he had decided, by himself, that they had no  
16 legal basis and that they were "frivolous" [sic]. He further  
17 indicated that he would not cooperate in any way with the written  
18 directions which Mr. Mitchell had given him, according to My  
19 explicit verbal instructions.

20 On Monday, December 2, 1996, Mr. Herndon arrived at the NRJ  
21 to talk with Me about the arraignment, and about some of the  
22 things which he proposed to do at that arraignment.

23 With regard to Mr. Mitchell's request that Mr. Herndon  
24 assist with the filing of these pleadings, Mr. Herndon refused to  
25 cooperate; he refused to deliver them. Although he said that he  
26 had them in his possession, he indicated that he would not give  
27 them to Me, as instructed to do so by Mr. Mitchell. He said that  
28 he would give them to Me in the courtroom; this he never did.

1           Fortunately, the Express U.S. Mail that Mr. Mitchell had  
2           sent to Me on Friday, November 29, 1996, did arrive at the NRJ at  
3           exactly 11:00 a.m. on Monday, December 2, 1996, just minutes  
4           before the U.S. Marshals office arrived to pick Me up and escort  
5           Me to the courtroom.

6           In the courtroom, Mr. Herndon gave Me a copy of the fax he  
7           had sent to Mr. Mitchell, which expressed his unwillingness to  
8           cooperate in the filing of these pleadings.

9           Because I had received from the U.S. Postal Service copies  
10          of the Plea in Abatement and of the Motion to Stay Proceedings  
11          prepared by Mr. Mitchell, I was able to execute same, and I was  
12          able to file them in open court. Mr. Herndon expressed his  
13          unwillingness to participate or to cooperate in any way with the  
14          filing of these pleadings, because he felt that they were  
15          "frivolous" [sic].

16          I informed the court that I personally took offense at Mr.  
17          Herndon's calling these pleadings "frivolous", because it was My  
18          life on the line, and because anything that was filed  
19          specifically on My behalf, I did not consider frivolous at all.

20          Because of Mr. Herndon's unwillingness to cooperate with the  
21          Me, I requested that he be removed, and that a new court-  
22          appointed attorney be assigned to My cases. That request was  
23          ignored by the court.

24          When Magistrate Seibert entered a plea of "Not Guilty" on My  
25          behalf, Mr. Herndon offered no objections, even though I had  
26          stated to the court that I objected to the entering of any plea  
27          on My behalf, either by My attorney or by the Magistrate. I  
28          suffer from a hearing loss in both ears, sustained during Vietnam

1 combat, and I never actually knew that the Magistrate did,  
2 indeed, enter a plea on My behalf. I eventually discovered this  
3 while watching the evening news only later that day.

4 When the Magistrate continued to proceed with court  
5 scheduling, Mr. Herndon offered no protests on My behalf, even  
6 though a proper Plea in Abatement and a proper Motion to Stay  
7 Proceedings had already been entered in open court. When My  
8 subsequent protest was summarily ignored by the Court, Mr.  
9 Herndon never offered to speak up for Me.

10 Although Mr. Herndon had indicated that he would have  
11 nothing to do with My pleadings, once they were entered into the  
12 court record, he had an obligation to protest all obvious  
13 procedural errors and any judicial misconduct. He never did.

14 I have subsequently learned from Mr. Mitchell that the  
15 Magistrate's act of entering a Plea of "Not Guilty" after I had  
16 previously filed a proper Plea in Abatement, constitutes grounds  
17 for charging the Magistrate with practicing law from the bench,  
18 in direct violation of 28 U.S.C. 454. I believe this is  
19 tantamount to entering a plea of "Guilty" immediately after a  
20 defendant enters a plea of "Not Guilty"; this is a high  
21 misdemeanor, pursuant to 28 U.S.C. 454.

22 There was a question from the court as to the status of Mr.  
23 Mitchell in these cases, and I replied that Mr. Paul Andrew  
24 Mitchell of Tucson, Arizona state, was a Counselor at Law, and  
25 was retained by Me as a paralegal for a specific purpose, in  
26 accordance with contract law, and with the Sixth Amendment to the  
27 Constitution for the United States of America.



1           The court then proceeded deliberately to ignore My requests  
2           that all proceedings be stayed, pending a ruling by a higher  
3           judge who was competent and qualified to hear the matter now  
4           placed before the court by My Pleas in Abatement and My Motions  
5           to Stay Proceedings.

6           Mr. Herndon had given Me a letter in the courtroom which I  
7           read much later. This letter indicated that he was not going to  
8           file a motion -- as I had requested him not to file -- on  
9           preventing the FBI from destroying evidence.

10          Yet, at the arraignment, Mr. Herndon, from what I could  
11          understand, filed the Motion anyway. I am not sure what that was  
12          all about, and I remain confused by this action of his. While I  
13          had expressed some reservations about the value of that Motion, I  
14          had never instructed Mr. Herndon not to file the Motion. It  
15          seemed strange that, in spite of what the letter said, he had  
16          acted contrary to his intentions, as expressed in his own letter.

17          Additionally, it should be noted that in his fax to Mr.  
18          Mitchell on Sunday, December 1, 1996, Mr. Herndon stated that  
19          legal mail (documents) must be hand-carried into the jail  
20          facility and not mailed there, because that was the policy of the  
21          West Virginia jail system. I found this interesting, because he  
22          had previously mailed copies of the grand jury indictments, and  
23          of the scheduled hearing dates, to Me at both the Central  
24          Regional Jail and the NRJ. The question now is this: Did he lie  
25          here and, if so, where else would he lie -- at trial? God  
26          forbid!

27          I personally have serious problems with Mr. Herndon. He  
28          ignores all of My requests for contact with him; he ignores My



1 suggestions to consult with other attorneys; he ignores My  
2 instructions for filing pleadings which could help Me in court.

3 It must be noted that Mr. Herndon has ignored all My  
4 suggestions that we work together on strategy, all the while he  
5 has held onto his own strategy for the trial itself. In My  
6 opinion, testing a strategy under fire is a very poor strategy.  
7 If we lose -- I'm dead. Thanks, but no thanks!

8 During the period when Mr. Herndon was on vacation in  
9 Europe, I had no legal counsel whatsoever. The Federal Bureau of  
10 Investigation ("FBI") smashed in My front door, and then they  
11 took My fax machine and My copies of Title 18 United States Code,  
12 Sections 1512 and 1513. To take My means of communicating with  
13 Patriot groups across America is fraudulent, criminal conduct.  
14 Legal counsel was not available. To date, Mr. Herndon has said  
15 nothing about that incident. I would very much like to know if  
16 he knew about this incident involving the FBI.

#### 17 INCORPORATION OF EXHIBITS

18 I hereby incorporate by reference the following documentary  
19 exhibits, as if they were set forth fully herein, to wit:

- 20  
21 1. MEMO from Paul Andrew Mitchell to James E. Seibert,  
22 dated November 29, 1996  
23
- 24 2. MEMO from Paul Andrew Mitchell to Stephen D. Herndon,  
25 dated November 29, 1996  
26
- 27 3. FAX TRANSMITTAL from Stephen D. Herndon to Paul Andrew  
28 Mitchell, dated December 1, 1996  
29
- 30 4. MEMO from Paul Andrew Mitchell to Stephen D. Herndon,  
31 dated December 2, 1996  
32
- 33 5. MEMO from Paul Andrew Mitchell to Rita J. Sedosky,  
34 dated December 7, 1996

35  
36 FURTHER AFFIANT SAYETH NAUGHT.

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3 Executed on X 12-13-96  
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6  
7  
8  
9 X Floyd R. Looker  
10 Floyd Raymond, Looker, Sui Juris  
11 Citizen of West Virginia state  
12

13  
14 Executed on December 10, 1996  
15

16  
17  
18 Paul Mitchell  
19 Paul Andrew, Mitchell, B.A., M.S.  
20 Citizen of Arizona state, federal witness,  
21 and Counselor at Law  
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PROOF OF SERVICE

I, Paul Andrew, Mitchell, *Sui Juris*, hereby certify, under penalty of perjury, under the laws of the United States of America, without the "United States", that I am at least 18 years of age, a Citizen of one of the United States of America, and that I personally served the following document(s):

**AFFIDAVIT OF PROBABLE CAUSE AND  
NOTICE OF INTENT TO FILE CRIMINAL COMPLAINTS:**  
28 U.S.C. 1746(1); Rule 201(d),  
Federal Rules of Evidence

by placing one true and correct copy of said document(s) in first class U.S. Mail, with postage prepaid and properly addressed to the following:

Office of the United States Attorney  
Federal Building  
c/o P.O. Box 591  
Wheeling  
WEST VIRGINIA

Clerk of Court  
United States District Court  
c/o P.O. Box 471  
Wheeling  
WEST VIRGINIA

Attorney General  
Department of Justice  
10th and Constitution, N.W.  
Washington  
DISTRICT OF COLUMBIA

Solicitor General  
Department of Justice  
10th and Constitution, N.W.  
Washington  
DISTRICT OF COLUMBIA

Executed on December 10, 1996



---

Paul Andrew Mitchell, *Sui Juris*  
Citizen of Arizona state, federal witness,  
Counselor at Law, and Counsel of Record in Fact

MEMO

TO: James E. Seibert, Magistrate  
United States District Court  
Room 433, Federal Building  
Wheeling, West Virginia

FROM: Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law

DATE: November 29, 1996

SUBJECT: U.S.A. v. Looker et al.

I am authorized by Mr. Floyd Raymond Looker to inform you of His intent to execute and file His Plea in Abatement and Sworn Statement in the matter now before you. These pleadings have been mailed to him at the Northern Regional Jail via Express U.S. Mail postmarked today, for executing and filing immediately upon receipt of same; they have also been mailed to His Pastor, Butch Paugh in Nettie, West Virginia, and to His stand-by counsel of record, Mr. Stephen D. Herndon at 76 Fifteenth Street, Wheeling, West Virginia.

Because of the logistical difficulties involved in delivering these pleadings to Mr. Looker, getting them signed by Mr. Looker, and then getting them filed in the United States District Court, I respectfully request, on His behalf, that you postpone the arraignment scheduled for 1:30 p.m. in Courtroom 433 on Monday, December 2, 1996, until such time as these pleadings can be processed through normal channels.

It is also Mr. Looker's understanding, and expectation, that His Plea in Abatement must be heard by a qualified and competent federal judge, and not a magistrate.

Thank you very much for your consideration.

Sincerely yours,

Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law and federal witness  
c/o 2509 N. Campbell, #1776  
Tucson, Arizona state  
Postal Zone 85719/tdc

email: pmitch@primenet.com (586/Eudora Pro)  
tel: (520) 320-1514 (private line)  
(please request permission to share)  
fax: (520) 320-1513 (dedicated Internet line)  
(call: 520-320-1514 first to switch software)

copy: Floyd Raymond Looker

MEMO

TO: Stephen D. Herndon  
c/o 76 Fifteenth Street  
Wheeling, West Virginia  
Postal Zone 26003/tdc

FROM: Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law

DATE: November 29, 1996

SUBJECT: Ray Looker pleadings

Please expedite delivery of these pleadings into the hands of Ray Looker, have him sign and date pages 8 of 9 and 22 of 36, then file them with the Clerk of the Court prosecuting the cases.

I am authorized to instruct you to request a routine continuance in the case, pending delivery of these pleadings to all interested parties by the U.S. Postal Service.

Mr. Looker does not wish to enter a standard plea at this time, given that these pleadings consist of a Plea in Abatement and Motion to Stay Proceedings, pending final review of his challenge to the constitutionality of the Jury Selection and Service Act.

The remaining copies have been served today by mail under my signature.

Thank you.

Sincerely yours,

Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law and federal witness  
c/o 2509 N. Campbell, #1776  
Tucson, Arizona state  
Postal Zone 85719/tdc

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fax: (520) 320-1513 (dedicated Internet line)  
(call: 520-320-1514 first to switch software)

## FAX TRANSMITTAL

TO: Paul Andrew Mitchell

From: Stephen D. Herndon

Dated: December 1, 1996

Re: United States v. Looker

Pages: (Exclusive of this page): 2

All the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the recipient of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this FAX in error, please notify me immediately by telephone at 304-232-6330 and return the original FAX by mail to Stephen D. Herndon, 76 Fifteenth Street, Wheeling, West Virginia 26003

## **STEPHEN D. HERNDON**

---

ATTORNEY AT LAW  
76 FIFTEENTH STREET  
WHEELING, WV 26003-3512

TELEPHONE 304-232-6330  
FAX 304-232-6330

**December 1, 1996**

**Paul Andrew Mitchell  
c/o 2509 North Campbell Suite 1776  
Tucson, Arizona 85719**

**Dear Sir:**

**This will acknowledge receipt of your facsimile transmission of a copy of a letter to Magistrate Judge Seibert on November 29, 1996, as well as a number of pleadings with cover letter delivered to me on November 30, 1996.**

**Please be advised that it is the policy of the local detention center to permit attorneys to deliver their own work product and court materials to clients. All other materials must be processed into the detention center in the normal manner. This is a security based requirement that I am not willing to avoid in this or any other case. Accordingly, I would not be able to follow your instructions to deliver the pleadings to Mr. Looker if I were so inclined.**

**Further, West Virginia has several ethics rules that appear to have some application to the matter. Rule 3.3 of the Rules of Professional Conduct prohibits an attorney from advancing any claim that is frivolous as a matter of law or of fact. In West Virginia, attorneys take these rules rather seriously.**

**I deem your plea in abatement to be frivolous.**

**First, Article II, Section 3 of the West Virginia Constitution requires that all citizens of West Virginia must be natural or naturalized citizens of the United States. Accordingly, your allegation that the present jury selection process excludes citizens of West Virginia from jury service who elect not to be citizens or the United States is false.**

**Second, the United States Supreme Court has addressed the question of whether or not it is lawful to require that a juror be a citizen and determined that a citizenship qualification for jury service is constitutional.**

**Accordingly, I decline to follow your instructions to file the pleadings prepared and signed by you. Should you have some controlling authority for the position advanced by you, I will be happy to reconsider my position.**

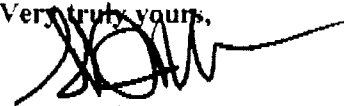


I note that you have executed the pleadings as counsel of record and referenced me as stand-by counsel. Please be advised that I only consent to act as local counsel or stand-by counsel for attorneys that I know or who come to me with professional references from persons whose judgment I trust. You fit into neither category.

Under no circumstances will I act as either local counsel or stand-by counsel for you. I expect that you will have arranged local counsel for tomorrow's hearing inasmuch as you have entered a general appearance as counsel of record. I look forward to hearing the results of the hearing with some minor, academic interest.

Inasmuch as I have not been relieved from representing Mr. Looker by the presiding court, I will appear and explain my position to the court if necessary.

Very truly yours,



Stephen D. Herndon

cc: Floyd Raymond Looker

MEMO

TO: Stephen D. Herndon  
c/o 76 Fifteenth Street  
Wheeling, West Virginia  
Postal Zone 26003/tdc

FROM: Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law

DATE: December 2, 1996

SUBJECT: Ray Looker pleadings

Mr. Herndon:

After you received them on Saturday last, did you, or did you not, deliver to Mr. Looker the eight (8) pleadings which I was specifically retained to prepare for him, per his verbal request for same?

If I do not receive from you a written answer to this question within seventy-two (72) hours, transmitted via Express U.S. Mail, I will proceed on the basis of the conclusive presumption that you did not deliver any of the pleadings which I prepared for Mr. Looker, and which I mailed to you at great expense via Certified United States Express Mail.

Mr. Herndon, I do hope that you appreciate the gravity of what you have done today in Wheeling, West Virginia, to jeopardize the life, liberty, and property of Mr. Ray Looker. I strongly advise you to study carefully the case law concerning Title 18, United States Code, Sections 241 and 242.

Sincerely yours,

Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law and federal witness  
c/o 2509 N. Campbell, #1776  
Tucson, Arizona state  
Postal Zone 85719/tdc

email: pmitch@primenet.com (586/Eudora Pro)  
tel: (520) 320-1514 (private line)  
(please request permission to share)  
fax: (520) 320-1513 (dedicated Internet line)  
(call: 520-320-1514 first to switch software)

copy: Federal Bureau of Investigation  
Postmaster, Wheeling, West Virginia  
files

MEMO

TO: Rita J. Sedosky  
"Deputy Clerk"  
United States District Court  
Post Office Box 471  
Wheeling, West Virginia state

FROM: Paul Andrew, Mitchell, B.A., M.S.  
Counselor at Law

DATE: December 7, 1996

SUBJECT: Your Letter Dated December 2, 1996

This is to inform you that I have invoked the Freedom of Information Act ("FOIA") to request certified documentary evidence of your official credentials. Until such time as I receive confirmation from reliable sources that you do lawfully occupy the office which you claim to hold, I will table your letter to me of December 2, 1996. A copy of My FOIA request for your credentials has been mailed to you under separate cover.

There is one pressing issue which requires My immediate response, however. You have allegedly invoiced Me for photocopying 328 pages @ \$0.50 per page, for a TOTAL DUE of \$164.00. I hereby refuse your invoice, dated December 2, 1996, for two reasons:

One, I did not order this photocopying, and there is no purchase order on record to evidence any authorization by Me to perform such photocopying services, or to invoice Me for same.

Two, for your information, the pleadings to which you refer were reproduced in triplicate by Me. One set was mailed directly to your office (see Proof of Service). The second set was mailed, via Express U.S. Mail, directly to Major General Ray Looker at the Northern Regional Jail in Moundsville, West Virginia state, for His signature and subsequent filing with your office.

The third set was mailed, via Express U.S. Mail, to Mr. Looker's court-appointed attorney, Mr. Stephen D. Herndon, at 76 Fifteenth Street, Wheeling, West Virginia state. Mr. Herndon acknowledged receipt of this third set on Saturday, November 30, 1996; this corresponds to the information on the PS Form 3811, Return Receipt, which I received from Mr. Herndon via the U.S. Postal Service. We have taken the liberty of modifying this Form 3811 to read "NON Domestic" [sic].

However, Mr. Herndon then refused to follow Mr. Looker's explicit instructions to deliver this third set to Mr. Looker at the Northern Regional Jail, and then to file the papers with your office after Mr. Looker had signed and dated them. I have attached a copy of Mr. Herndon's letter to Me, dated December 1, 1996. See, in particular, the last paragraph on the first page:

1 "Accordingly, I decline to follow your instructions to file  
2 the pleadings prepared and signed by you." [sic]  
3

4 Thus, the evidence now in my possession proves that three (3)  
5 sets of pleadings were, in fact, mailed via Express Mail, but Mr.  
6 Herndon refused to deliver the third set of pleadings to their  
7 intended destination.  
8

9 I cannot take any responsibility for unprofessional, unethical,  
10 and criminal conduct on the part of Mr. Looker's court-appointed  
11 attorney. Confer at "attorn" in Black's Law Dictionary.  
12

13 Please contact Mr. Herndon to inquire as to the whereabouts of  
14 this third set. I understand that he is presently an officer of  
15 your Court. By Law, these pleadings are Petitions to Government  
16 for Redress of Grievances; as such, they are protected by the  
17 Petition Clause in the First Amendment. The U.S. Supreme Court  
18 has ruled that the Petition Clause is the Right conservative of  
19 all other rights. See Chambers v Baltimore & Ohio R.R., 207 US  
20 142, 148 (1907).  
21

22 This raises the possibility that Mr. Herndon may be committing  
23 acts which deprive Mr. Looker of fundamental Rights guaranteed by  
24 the Constitution for the United States of America, in violation  
25 of 18 U.S.C. 242, which Constitution you must take an oath to  
26 support, pursuant to Article VI, Clause 3, in the U.S.  
27 Constitution.  
28

29 It is for this reason that I am required to demand that you  
30 produce evidence of your oath to support the U.S. Constitution.  
31 Please see the deadlines for exhaustion of administrative  
32 remedies, as detailed in Title 5, United States Code, Sections  
33 552 et seq. Title 5 U.S.C. has been enacted into positive law.  
34

35 Thank you very much for your consideration.  
36

37  
38 Sincerely yours,  
39  
40  
41  
42

43 Paul Andrew, Mitchell, B.A., M.S.  
44 Counselor at Law and federal witness  
45 c/o 2509 N. Campbell, #1776  
46 Tucson, Arizona state  
47 Postal Zone 85719/tdc  
48

49 email: pmitch@primenet.com (586/Eudora Pro)  
50 tel: (520) 320-1514 (private line)  
51 (please request permission to share)  
52 fax: (520) 320-1513 (dedicated Internet line)  
53 (call: 520-320-1514 first to switch software)  
54

55 copies: Hon. Frederick P. Stamp, Jr.  
56 Hon. James E. Seibert  
57 Maj. Gen. Floyd Raymond, Looker